

REMARKS

Summary of Office Action

Claims 32-80 were pending in the above-identified patent application.

The Examiner rejected claims 33, 36, 39, 42, 45, 49, 52, 58, 62, 65, 69, and 76 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of commonly-assigned Ginsberg U.S. Patent No. 5,857,176 (hereinafter, "the '176 patent"). The Examiner also rejected claims 35, 41, 44, 48, 51, 54, 57, 60, 63, 67, 71, 75, and 80 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 10 of the '176 patent. The Examiner stated further that, "although the conflicting new claims are not identical, they are not necessarily patentably distinct from each other." See Office Action, section five.

The Examiner also rejected claims 47, 64, 68, 74, and 78 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-3 of commonly-assigned Ginsberg U.S. Patent No. 5,774,880 (hereinafter, "the '880 patent"). Claims 34, 37, 38, 40, 41, 43, 44, 47, 50, 51, 53, 56, 57, 59, 60, 64, 66, 68, 70, 71, 74, 77, and 78 were also rejected under the obviousness-type double patenting as being unpatentable over claims 5 and 6 of the '880 patent. The Examiner stated further that, "although the conflicting claims are not identical, they are not necessarily patentably distinct from each other." See Office Action, section six.

The Examiner stated that a timely filed terminal disclaimer may be used to overcome the nonstatutory double patenting rejections.

Reply to Office Action

Applicant has filed a terminal disclaimer disclaiming any portion of the term of any of the claims of the above-identified patent application that extends

beyond either the expiration of the term of the '176 patent or of the term of the '880 patent.

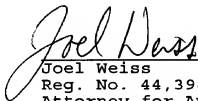
Applicant has amended claims 33, 34, 36-45, 49, 50, 52-59, 61, 65, 66, 68-70, 73, 76, 77, 79, and 80 in order to correct certain formalities in the claims.

Applicant has also added new claims 81-143 to more particularly point out and define the claimed invention. Each of new claims 81-143 are in accordance with the suggestions of the Examiner as set forth in the February 12, 2002 Personal Interview.

Conclusion

Applicant respectfully submits that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



Joel Weiss

Reg. No. 44,398
Attorney for Applicant
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000



APPENDIX A

AMENDED CLAIMS MARKED TO SHOW AMENDMENTS

33. (Amended) The method of claim 32, further comprising settling the futures contracts based on the notional fixed-income related instrument.

34. (Amended) The method of claim 32, further comprising determining the delivery expense of the futures contracts based on the notional fixed-income related instrument.

36. (Amended) The method of claim 35, further comprising settling the options contracts based on the notional fixed-income related instrument.

37. (Amended) The method of claim 35, further comprising determining the delivery expense of the options contracts based on the notional fixed-income related instrument.

38. (Amended) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

calculating a value for the other instrument from market data related to market conditions for the other instrument[s];

calculating a price or a yield of the notional fixed income related instrument using the value for the other instrument;

providing or utilizing an electronic futures market for the trading of futures contracts based on the notional fixed-income related instrument;

electronically executing a trade of the futures contracts; and

electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

39. (Amended) The method of claim 38, further comprising settling the futures contracts based on the notional fixed-income related instrument.

40. (Amended) The method of claim 38, further comprising determining the delivery expense of the futures contracts based on the notional fixed-income related instrument.

41. (Amended) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

calculating a value for the other instrument from market data related to market conditions for the other instrument[s];

calculating a price or a yield of the notional fixed income related instrument using the value for the other instrument;

providing or utilizing an electronic options market for the trading of options contracts based on the notional fixed-income related instrument;

electronically executing a trade of the options contracts; and

electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

42. (Amended) The method of claim 41, further comprising settling the options contracts based on the notional fixed-income related instrument.

43. (Amended) The method of claim 41, further comprising determining the delivery expense of the options contracts based on the notional fixed-income related instrument.

44. (Amended) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument or instruments, the method comprising:

calculating a value for each of the other instrument or instruments from market data related to market conditions for the other instrument or instruments;

calculating a price or a yield of the notional fixed income related instrument using the values for the other instrument or instruments;

providing or utilizing an electronic market for the trading of the notional fixed-income related instrument;

electronically executing a trade of the notional fixed-income instrument; and

electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

45. (Amended) The method of claim 44, further comprising settling a trade of the instrument or instruments based on the notional fixed-income related instrument.

49. (Amended) The method of claim 48, further comprising settling the futures contracts based on the notional fixed-income related instrument.

50. (Amended) The method of claim 48, further comprising determining the delivery expense of the futures contracts based on the notional fixed-income related instrument.

52. (Amended) The method of claim 51, further comprising settling the options contracts based on the notional fixed-income related instrument.

53. (Amended) The method of claim 51, further comprising determining the delivery expense of the options contracts based on the notional fixed-income related instrument.

54. (Amended) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

- calculating a value for the other instrument from market data related to market conditions for the other instrument[s];

- calculating a price or a yield of the notional fixed income related instrument using the value for the other instrument;

- providing or utilizing an electronic futures market for the trading of futures contracts based on the notional fixed-income related instrument;

- electronically executing a trade of the futures contracts; and

- electronically distributing in real time executed trade information relating to the executed trade to data vendors.

55. (Amended) The method of claim 54, further comprising settling the futures contracts based on the notional fixed-income related instrument.

56. (Amended) The method of claim 54, further comprising determining the delivery expense of the futures contracts based on the notional fixed-income related instrument.

57. (Amended) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

calculating a value for the other instrument from market data related to market conditions for the other instrument[s];

calculating a price or a yield of the notional fixed income related instrument using the value for the other instrument;

providing or utilizing an electronic options market for the trading of options contracts based on the notional fixed-income related instrument;

electronically executing a trade of the options contracts; and

electronically distributing in real time executed trade information relating to the executed trade to a clearing processor.

58. (Amended) The method of claim 57, further comprising settling the options contracts based on the notional fixed-income related instrument.

59. (Amended) The method of claim 57, further comprising determining the delivery expense of the options contracts based on the notional fixed-income related instrument.

61. (Amended) The method of claim 60, further comprising settling a trade of the instrument or instruments based on the notional fixed-income related instrument.

65. (Amended) The method of claim 63, further comprising settling the futures contracts based on the price or yield of the notional fixed-income related instrument.

66. (Amended) The method of claim 63, further comprising determining the delivery expense of the futures contracts based on the price or yield of the notional fixed-income related instrument.

68. (Amended) The method of claim 67 further comprising electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

69. (Amended) The method of claim 67, further comprising settling the options contracts based on the price or yield of the notional fixed-income related instrument.

70. (Amended) The method of claim 67, further comprising determining the delivery expense of the options contracts based on price or yield of the notional fixed-income related instrument.

73. (Amended) The method of claim 71, further comprising determining the delivery expense of the futures contracts based on the notional fixed-income related instrument.

76. (Amended) The method of claim 75, further comprising settling the options contracts based on the notional fixed-income related instrument.

77. (Amended) The method of claim 75, further comprising determining the delivery expense of the options contracts based on the notional fixed-income related instrument.

79. (Amended) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for other instruments, the value for the other instruments being calculated from market data related to market conditions for the other instruments, a price or a yield for the notional-fixed income related instrument being calculated using values for the other instruments, the method comprising:

providing or utilizing an electronic market for the trading of [a] the notional fixed-income instrument;

electronically executing a trade of the notional fixed-income instrument based on the price or yield of the notional fixed income instrument; and

electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

80. (Amended) The method of claim 79, further comprising settling a trade of the instrument or instruments based on the price or yield of the notional fixed-income related instrument.

81. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for other instruments, the method comprising:

calculating a value for each of the other instruments from market data related to the other instruments;

calculating a price or a yield of the notional fixed income related instrument based on the values for the other instruments; and

displaying information relating to an executed trade of a futures contract based on the notional fixed-income related instrument on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant.

82. (New) The method of claim 81 further comprising:

utilizing an electronic futures market for the trading of futures contracts based on the notional fixed-income related instrument; and

electronically executing a trade of the futures contracts.

83. (New) The method of claim 81, further comprising settling the futures contract based on the notional fixed-income related instrument.

84. (New) The method of claim 81, further comprising determining the delivery expense of the futures contract based on the notional fixed-income related instrument.

85. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for other instruments, the method comprising:

calculating a value for each of the other instruments from market data related to the other instruments;

calculating a price or a yield of the notional fixed income related instrument based on the values for the other instruments; and

displaying information relating to an executed trade of an options contract based on the notional fixed-income related instrument on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant.

86. (New) The method of claim 85 further comprising:

electronically executing a trade of the options contracts; and

electronically distributing in real time information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

87. (New) The method of claim 85, further comprising settling the options contract based on the notional fixed-income related instrument.

88. (New) The method of claim 85, further comprising determining the delivery expense of the options contract based on the notional fixed-income related instrument.

89. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

calculating a value for the other instrument from market data related to the other instrument;

calculating a price or a yield of the notional fixed income related instrument based on the value for the other instrument; and

displaying information relating to an executed trade of a futures contract based on the notional fixed-income related instrument on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant.

90. (New) The method of claim 89 further comprising:

utilizing an electronic futures market for the trading of futures contracts based on the notional fixed-income related instrument; and

electronically executing a trade of the futures contracts.

91. (New) The method of claim 89, further comprising settling the futures contract based on the notional fixed-income related instrument.

92. (New) The method of claim 89, further comprising determining the delivery expense of the futures contract based on the notional fixed-income related instrument.

93. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

calculating a value for the other instrument from market data related to the other instrument;

calculating a price or a yield of the notional fixed income related instrument using the value for the other instrument;

electronically displaying information relating to an executed trade of an options contract based on the notional fixed-income related instrument on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant.

94. (New) The method of claim 93 further comprising:

utilizing an electronic options market for the trading of options contracts based on the notional fixed-income related instrument; and

electronically executing a trade of the options contracts.

95. (New) The method of claim 93, further comprising settling the options contract based on the notional fixed-income related instrument.

96. (New) The method of claim 93, further comprising determining the delivery expense of the options contract based on the notional fixed-income related instrument.

97. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument or instruments, the method comprising:

calculating a value for each of the other instrument or instruments from market data related to the other instrument or instruments;

calculating a price or a yield of the notional fixed income related instrument using the values for the other instrument or instruments; and

displaying information, the information relating to an executed trade of the notional fixed-income related instrument, on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant.

98. (New) The method of claim 97 further comprising:

providing or utilizing an electronic market for the trading of the notional fixed-income instrument; and

electronically executing a trade of the notional fixed-income instrument.

99. (New) The method of claim 97, further comprising settling a trade of the other instrument or instruments based on the notional fixed-income related instrument.

100. (New) A system for electronically trading futures contracts or options contracts, the futures contracts or options contracts being based on a notional fixed-income related instrument, the system comprising:
a plurality of computer terminals; and
wherein the plurality of computer terminals are adapted to display quantities of bids and offers for futures or options contracts relating to the notional fixed-income related instrument, the notional fixed-income related instrument having a value being based on a value of other instruments, the value of the other instruments being calculated based on market data related to the other instruments and expressed in terms of a price or a yield.

101. (New) The system of claim 100, further comprising at least one processor adapted to distribute in real time executed trade information to the plurality of computer terminals via a data network, the plurality of computer terminals being associated with at least one of a) a clearing processor b) a data vendor and c) a market participant.

101. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for other instruments, the method comprising:
calculating a value for each of the other instruments from market data related to the other instruments;
calculating a price or a yield of the notional fixed income related instrument based on the values for the other instruments; and
electronically displaying information relating to an executed trade on a computer terminal associated with a clearing processor.

102. (New) The method of claim 101, further comprising:

providing or utilizing an electronic futures market for the trading of futures contracts based on the notional fixed-income related instrument; and electronically executing a trade of the futures contracts.

103. (New) The method of claim 101, further comprising settling a futures contract based on the notional fixed-income related instrument.

104. (New) The method of claim 101, further comprising determining the delivery expense of the futures contract based on the notional fixed-income related instrument.

105. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for other instruments, the method comprising:

calculating a value for each of the other instruments from market data related to the other instruments;

calculating a price or a yield of the notional fixed income related instrument using the values for the other instruments; and

electronically displaying in real time information relating to an executed trade of an options contract, based on the notional fixed-income related instrument, to a clearing processor.

106. (New) The method of claim 105, further comprising:

utilizing an electronic options market for the trading of the options contract based on the notional fixed-income related instrument; and

electronically executing a trade of the options contract.

107. (New) The method of claim 105, further comprising settling the options contract based on the notional fixed-income related instrument.

108. (New) The method of claim 105, further comprising determining the delivery expense of the options contract based on the notional fixed-income related instrument.

109. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

calculating a value for the other instrument from market data related to the other instrument;

calculating a price or a yield of the notional fixed income related instrument using the value for the other instrument; and

electronically displaying information relating to an executed trade of a futures contract based on the notional fixed income related instrument on a computer terminal associated with at least one data vendor.

110. (New) The method of claim 109 further comprising:

providing or utilizing an electronic futures market for the trading of futures contracts based on the notional fixed-income related instrument; and

electronically executing a trade of the futures contracts.

111. (New) The method of claim 109, further comprising settling the futures contract based on the notional fixed-income related instrument.

112. (New) The method of claim 109, further comprising determining the delivery expense of the futures contract based on the notional fixed-income related instrument.

113. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument, the method comprising:

calculating a value for the other instrument from market data related to the other instrument;

calculating a price or a yield of the notional fixed income related instrument using the value for the other instrument; and

electronically displaying information relating to the executed trade of an options contract based on the notional fixed income related instrument on a computer terminal associated with a clearing processor.

114. (New) The method of claim 113 further comprising:

utilizing an electronic options market for the trading of the options contract based on the notional fixed-income related instrument; and

electronically executing a trade of the options contract.

115. (New) The method of claim 113, further comprising settling the options contract based on the notional fixed-income related instrument.

116. (New) The method of claim 113, further comprising determining the delivery expense of the options contract based on the notional fixed-income related instrument.

117. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument or instruments, the method comprising:

calculating a value for each of the other instrument or instruments from market data related to the other instrument or instruments;

calculating a price or a yield of the notional fixed income related instrument using the values for the other instrument or instruments; and

electronically distributing in real time executed trade information relating to an executed trade to data vendors.

118. (New) The method of claim 117, further comprising:

utilizing an electronic market for the trading of the notional fixed-income instrument;

electronically executing a trade of the notional fixed-income instrument

119. (New) The method of claim 117, further comprising settling a trade of the other instrument or instruments based on the notional fixed-income related instrument.

120. (New) A system for electronically trading futures contracts or options contracts based on a notional fixed-income related instrument, the system comprising:

a plurality of computer terminals adapted to display quantities of bids and offers for futures or options contracts relating to the notional fixed-income related instrument, the value of the notional fixed-income related instrument being based on a value of another instrument, the value of the other instrument being calculated based on market data related to the other instrument, the value of the notional fixed-income related instrument being expressed in terms of a price or a yield.

121. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for other instruments, a value for other instruments being calculated from market data related to the other instruments, a price or a yield for the notional-fixed income related instrument being calculated using values for the other instruments, the method comprising:

utilizing an electronic futures market for the trading of futures contracts based on the price or yield of the notional fixed-income related instrument.

122. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method comprising:

displaying information on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant, the information relating to an executed trade of the notional fixed-income related instrument, a price or yield for the notional fixed-income related instrument being determined based on other instruments, a value of the other instruments being calculated from market data related to the other instruments.

123. (New) The method of claim 122, further comprising:

electronically executing a trade of futures contracts based on the price or the yield of the notional fixed income related instrument.

124. (New) The method of claim 122 further comprising electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

125. (New) The method of claim 122, further comprising settling a futures contract based on the price or yield of the notional fixed-income related instrument.

126. (New) The method of claim 122, further comprising determining the delivery expense of a futures contract based on the price or yield of the notional fixed-income related instrument.

127. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method comprising:

displaying information on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant, the information relating to an executed trade of a futures contract or an options contract of the notional fixed-income related instrument, a price or yield for the notional fixed-income related instrument being determined based on other instruments, a value of the other instruments being calculated from market data related to the other instruments.

128. (New) The method of claim 127 further comprising electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

129. (New) The method of claim 127, further comprising settling the futures contract or the options contract based on the price or yield of the notional fixed-income related instrument.

130. (New) The method of claim 127, further comprising determining the delivery expense of the futures contract or the options contract based on the price or yield of the notional fixed-income related instrument.

131. (New) The method of claim 127, further comprising:

utilizing an electronic market for the trading of the futures contract or the options contract; and

electronically executing a trade of the futures contract or the options contract based on the notional fixed income related instrument.

132. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method comprising:

displaying information on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant, the information relating to an executed trade of a futures contract or an options contract of a notional fixed-income related instrument, a value for the notional fixed-income related instrument being determined based on other instruments, a value of the other instruments being calculated from market data related to the other instruments.

133. (New) The method of claim 132, further comprising settling the futures contract or the options contract based on the notional fixed-income related instrument.

134. (New) The method of claim 132, further comprising determining the delivery expense of the futures contract or the options contract based on the notional fixed-income related instrument.

135. (New) The method of claim 132, further comprising electronically distributing in real time executed trade information relating to the executed trade to at least one of a) a clearing processor b) data vendors and c) market participants.

136. (New) The method of claim 132, further comprising:

utilizing an electronic market for the trading of the futures contract or the options contract; and

electronically executing a trade of the futures contract or the options contract based on the price or yield of the notional fixed income instrument.

137. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method comprising:

displaying information on a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant, the information relating to an executed trade of a futures contract or an options contract of a notional fixed-income related instrument, a price or yield for the notional fixed-income related instrument being determined based on another instrument, a value of the other instrument being calculated from market data related to the other instrument.

138. (New) The method of claim 137, further comprising settling the futures contract or the options contract based on the notional fixed-income related instrument.

139. (New) The method of claim 137, further comprising determining the delivery expense of the futures contract or the options contract based on the notional fixed-income related instrument.

140. (New) The method of claim 137, further comprising electronically distributing in real time information relating to the executed trade to a computer terminal associated with at least one of a) a clearing processor b) a data vendor and c) a market participant.

141. (New) The method of claim 137, further comprising:

utilizing an electronic market for the trading of the futures contract or the options contract; and

electronically executing a trade of the futures contract or the options contract based on the price or yield of the notional fixed income instrument.

142. (New) A system for electronically trading futures contracts or options contracts based on a notional fixed-income related instrument, the system comprising:

a plurality of computer terminals;
data network or data networks;
processors; and

wherein the plurality of computer terminals are coupled by the data network or data networks to the processors, and wherein the plurality of computer terminals are adapted to display quantities of the futures contracts or options contracts for bids and offers relating to the notional fixed-income related instrument, the value of the notional fixed-income related instrument being based on a value of another instrument or instruments, the value of the other instrument or instruments being calculated based on market data related to the other instrument or instruments, the value of the notional fixed-income related instrument being expressed in terms of a price or a yield; the processors being adapted to execute a trade of the futures contracts or options contracts.

143. (New) A method of determining an index value in terms of a notional fixed-income related instrument, the method using market data for another instrument or other instruments, the value for the other instrument or instruments being calculated from market data related to market conditions for the other instrument or instruments, a price or a yield for the notional-fixed income related instrument being calculated using values for the other instrument or instruments, the method comprising:

providing or utilizing an electronic market for the trading of a futures contract or options contract based on the notional fixed-income instrument;

electronically executing a trade of the
futures contract or the options contract; and
electronically distributing in real time
executed trade information relating to the executed trade
to at least one of a) a clearing processor b) data
vendors and c) market participants.